

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA CROFT,

Defendant.

Case No. 2:13-cr-00019-KJD-DJA
2:13-cr-00054-KJD-DJA

ORDER

Presently before the Court is Defendant's Petition for Writ of Habeas Corpus Ad Testificandum (#221) and Emergency Motion for Judicial Recommendation Pursuant to 18 U.S.C. §§ 3621(b)(4) and 3624 (#241).¹ For the reasons stated below, Defendant's Petition for Writ of Habeas Corpus Ad Testificandum (#221) and Emergency Motion for Judicial Recommendation Pursuant to 18 U.S.C. §§ 3621(b)(4) and 3624 (#241) are dismissed as moot.

I. Analysis

A. Petition for Writ of Habeas Corpus Ad Testificandum (#221)

Defendant's first motion requests this Court issue a writ of habeas corpus ad testificandum for the immediate transfer of him to a penal facility near the District of Nevada. (#221). The Government filed a response stating that it had requested the U.S. Marshal Service transport Defendant to the District of Nevada. (#222). Subsequently, the Government notified the Court that Defendant was scheduled to arrive in the District of Nevada on June 7, 2023. (#226). Defendant appeared before this Court on October 18, 2023. Since Defendant's request has been satisfied, the Court finds this motion moot.

B. Motion for Judicial Recommendation (#241)

Defendant's second motion requests that the Court make a judicial recommendation to the BOP that he serve his remaining custodial time in a community confinement facility. (#241, at 3). Although Defendant filed this motion as an "emergency," the Court found that he had failed

¹ Defendant has an accompanying case—2:13-cr-00054-KJD-DJA—where he has also filed a Petition for Writ of Habeas Corpus Ad Testificandum (#130) and Emergency Motion for Judicial Recommendation Pursuant to 18 U.S.C. §§ 3621(b)(4) and 3624 (#153). This Order applies to both cases.

1 to demonstrate (1) that he would be irreparably prejudiced if the motion is resolved according to
2 the normal briefing schedule and (2) that he is without fault in creating the crisis necessitating
3 emergency relief, or at the very least, that the crisis resulted from excusable neglect. (See #242,
4 at 1). Based on this, the Court determined that the motion should be addressed according to the
5 Court's standard briefing schedule. Id. at 2. However, after speaking with the Probation Office,
6 the Court has determined that Defendant was released from custody on April 16, 2024.
7 Consequently, the Court finds this motion moot.

8 II. Conclusion

9 Accordingly, **IT IS THEREFORE ORDERED** that Defendant's Petition for Writ of
10 Habeas Corpus Ad Testificandum (#221) and Emergency Motion for Judicial Recommendation
11 Pursuant to 18 U.S.C. §§ 3621(b)(4) and 3624 (#241) are **DISMISSED** as **MOOT**.
12

13 Dated this 29th day of August 2024.

A handwritten signature in blue ink, appearing to read 'Kent J. Dawson', is written over a horizontal line.

Kent J. Dawson
United States District Judge